



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE:	§	No. 08-16-00299-CV
C & C ROAD CONSTRUCTION, INC.,	§	AN ORIGINAL PROCEEDING
RELATOR	§	IN MANDAMUS
	§	
	§	

MEMORANDUM OPINION

Relator, C & C Road Construction, Inc., has filed a mandamus petition asking that we issue the writ of mandamus against the Honorable Angie Juarez Barill, Judge of the 346th District Court of El Paso County, Texas, ordering Respondent to vacate an order striking Relator's supplemental answer. The Court previously granted Relator's motion requesting a stay of proceedings in *Saab Site Contractors, L.P. v. C & C Road Construction, Inc.* (cause number 2014DCV2963), pending our resolution of this original proceeding. The petition for writ of mandamus is denied.

To be entitled to mandamus relief, a relator generally must meet two requirements. First, the relator must show that the trial court clearly abused its discretion. *In re Prudential Insurance Company of America*, 148 S.W.3d 124, 135 (Tex. 2004). Second, the relator must demonstrate that there is no adequate remedy by appeal. *Id.* at 136. Based on the record before us, we conclude that Relator has failed to establish it is entitled to mandamus relief. Accordingly, we

lift the stay previously imposed in this cause, and we deny the petition for writ of mandamus.

January 6, 2017

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.